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OCT 5 2001



# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/009,802
Filing Date	January 20, 1998
First Named Inventor	Sean A. McCarthy
Group Art Unit	1636
Examiner Name	Yucel, R.
Attorney Docket Number	MNI-108

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply (8 pages, including 3 pages of Appendix A)
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
  - i.  RCE fee required under 37 C.F.R. § 1.17(e)
  - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii.  Other \_\_\_\_\_
- b.  Check in the amount of \$ 740.00 enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

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**OFFICE OF PETITIONS**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	DeAnn F. Smith, Esq.	Registration No. (Attorney/Agent)	36,683
Signature			
	Date	October 5, 2001	

10/12/2001 ETEFFERA 00000082 09009802

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



In re the application of: Sean A. McCarthy

Serial No.: 09/009,802

Filed: January 20, 1998

For: *Novel CRSP-2 Protein Molecules and Uses  
Therefor (as amended)*

Attorney Docket No.: MNI-108 (formerly MEI-008-1)

Group Art Unit: 1636

Examiner: R. Yucel

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Commissioner for Patents  
Washington, D.C. 20231

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Date of Deposit October 5, 2001

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Office of Petitions, Box DAC, Washington, DC 20231.

Viriato G. Cardoso

Signature

Viriato G. Cardoso

Please Print Name of Person Signing

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OFFICE OF PETITIONS

Dear Sir:

Applicant submits herewith a Petition to Revive an Abandoned Application Pursuant to 37 CFR §1.137(b); a Request for Continued Examination Under 37 CFR §1.114; and a separate petition for a three-month extension of time. The following is in response to the Final Office Action (Paper No. 17) dated November 6, 2000.